

UNITED STATES DISTRICT COURT

For the

District of Nebraska

Civil Division

Nebraska Data Centers LLC

Plaintiff(s)

v.

Leo Khayet

Defendant(s)

Case No. 8:17-CV-00369

**MOTION TO COMPEL PRESERVATION  
OF DOCUMENTS**

**MOTION TO COMPEL PRESERVATION OF DOCUMENTS**

In accordance with NEGenR 1.1 (C) and further pursuant to NECivR 7.1(a)(1)(A) Defendant Leo Khayet, respectfully, requests that the Court issue ***immediate*** Litigation Holds to the following persons and parties which are all related to Plaintiff Nebraska Data Centers LLC (NDC):

1. Mr. Joel R. Mogy, Joel R. Mogy Investment Counsel, and
2. Mr. Martin S. Appel, Ralph Edwards Productions, and
3. Mr. Martin S. Appel, Ralph and Barbara Edwards Trust, and
4. Mr. Martin S. Appel, Jeffer Mangels Butler & Mitchell LLP, and
5. Mr. Robert W. Futhey, Fraser Stryker PC LLO, and
6. Mr. Gerald Appel, Devion Group LLC, and
7. Mr. Matthew W. Lytle, Miller Schirger Law Firm
8. Mr. Larry Midler, CBRE Group Inc.

9. Mr. Kerry Knott, Bell/Knott & Associates
10. Ms. Sharon Appel, Agent for Service of Process Devion Group LLC
11. Mr. Max Eckert, Ralph Edwards Productions
12. Mr. William Weintraub, formerly of Jeffer Mangels Butler & Mitchell LLP

WHEREFORE, Defendant Mr. Khayet is presently prohibited from contacting certain persons related to Plaintiff Nebraska Data Centers (NDC) by this Court, in lieu of separate litigation which Defendant Mr. Khayet intends to file at a subsequent time, Mr. Khayet respectfully requests that this Court issue Litigation Holds to each person and on behalf of each legal entity named above.<sup>1</sup> Plaintiff's attorney Robert W. Futhey should not be permitted to object to this Motion pursuant to FED R. CIV. P 6, FED R. CIV. P 2, and NEGenR 1.1 as further supported in the accompanying Brief.

#### **CERTIFICATE OF SERVICE**

The undersigned certifies that on March 29, 2018, a true and correct copy of the above and foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which sent electronic notification of such filing to all CM/ECF participants.

Date: March 29, 2018, 2018

Robert W. Futhey  
Fraser Stryker PC LLO  
500 Energy Plaza  
409 South 17th Street  
Omaha, Nebraska 68102

Leonid Khayet, Defendant

BY: /s/ Leonid Khayet  
13249 High Drive  
Leawood, KS 66209  
(913) 660-5766  
Leokhayet@gmail.com

---

<sup>1</sup> Defendant Mr. Khayet can provide to the Court full contact information and if required proposed text for the issuance of Litigation Holds once the Court approves the issuance of Litigation Holds.